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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,025	08/04/2003	Michael A. Kamara	1171-202	5809

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EXAMINER	
HO, THOMAS Y	

ART UNIT	PAPER NUMBER
3677	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/634,025	KAMARA ET AL.	
	Examiner	Art Unit	
	Thomas Y Ho	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Status of the Claims

Claims 1-22 are currently pending. No claims have been withdrawn or cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10, 16, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohlund US6233971 in view of Belknap US5018053.

As to claim 1, Ohlund discloses: an article of jewelry comprising: a) a flexible conductor (31) having an exterior coating (30) of non-conductive composition; b) said conductor forming a loop having first (near 12) and second discontinuities (near 20); c) a clasp (12) located within a first discontinuity; d) a medallion (20) located within a second discontinuity; e) said medallion consisting of an item having a property selected from a group consisting of: transparent, translucent, and combinations thereof, and said medallion having an opening adapted to receive said conductor; f) said clasp includes a housing (see Figure 1d) having a first aperture adapted to receive a proximal end of said conductor from one of said loop discontinuities; and g) said proximal end of said conductor joined to an electrode with a cross sectional area greater than across sectional area of the first aperture.

The difference between the claim and Ohlund is the claim recites: said medallion consisting of a unitary item. Belknap discloses an illuminated jewelry item similar to the

medallion in Ohlund. In addition, Belknap further teaches that the item is unitary and transparent (Col. 2, Ln. 30-45). It would have been obvious to one of ordinary skill in the art, having the disclosures of Ohlund and Belknap before him at the time the invention was made, to modify the medallion of Ohlund to be unitary, as in the item in Belknap. One would have been motivated to make such a combination because the ability to encapsulate the means of securement, where the means of securement may be toxic or irritating, would have been achieved, as taught by Belknap (Col. 2, Ln. 64-68).

As to claim 2, Ohlund discloses: further comprising said housing having a surface with a recess adapted to receive said electrode.

As to claim 3, Ohlund discloses: wherein a size of said cross sectional area of said electrode is adapted to prevent withdrawal of said electrode from said first aperture.

As to claim 4, Ohlund discloses: wherein said housing of said clasp is adapted to receive a battery.

As to claim 5, Ohlund discloses: wherein said electrode of said housing is adapted to contact a terminal of said battery.

As to claim 6, Ohlund discloses: an article of jewelry comprising: a) a flexible conductor having an exterior coating of non-conductive composition; b) said conductor forming a loop having first and second discontinuities; c) a clasp located within a first discontinuity; d) a medallion located within a second discontinuity; e) said medallion having an opening adapted to receive said conductor, and said medallion consisting of an item having a property selected from a group consisting of: transparent, translucent, and combinations thereof; and f) said clasp

includes a covering having a surface with a recess, wherein said recess is adapted to receive an electrode from one end of said conductor from one of said loop discontinuities.

Belknap teaches: the medallion is a unitary item.

As to claim 7, Ohlund discloses: further comprising an aperture adapted to extend through said surface of said covering.

As to claim 8, Ohlund discloses: wherein said first covering is adapted to receive a battery.

As to claim 9, Ohlund discloses: wherein said aperture is adapted to receive an element to contact a surface of said battery.

As to claim 10, Ohlund discloses: wherein said element is adapted to dislodge said battery from said covering.

As to claim 16, Ohlund discloses: an article of jewelry comprising: a flexible conductor having an exterior coating of non-conductive composition; said conductor forming a loop having first and second discontinuities a clasp located within a first discontinuity; a medallion location within a second discontinuity, wherein said medallion having a property selected from a group consisting of., transparent, translucent, and combinations thereof; and a light emitting diode housed within an aperture formed in said medallion.

Belknap teaches: the medallion consisting of a single piece.

As to claim 18, Belknap teaches: wherein said aperture extends from a first surface (outer surface) of said medallion to a second surface (inner surface abutting the electrodes) of said medallion.

As to claim 19, Belknap teaches: wherein said medallion includes an opening adapted to receive said conductor.

As to claim 20, Ohlund discloses: wherein said clasp includes a housing having a first aperture adapted to receive a proximal end of said conductor from one of said loop discontinuities.

As to claim 21, Ohlund discloses: wherein said proximal end of said conductor is joined to an electrode with a cross sectional area greater than a cross sectional area of said first aperture.

As to claim 22, Ohlund discloses: further comprising a battery adapted to be in communication with said clasp.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohlund US6233971 in view of Belknap US5018053, and further in view of Glatter US4459645.

As to claim 11, the difference between the claim and Ohlund is the claim recites: further comprising at least a portion of a wall within said covering and at least a portion of a rim along at least a portion of a perimeter of said wall. Glatter discloses a battery case similar to that of Ohlund. In addition, Glatter further teaches the claimed rim. It would have been obvious to one of ordinary skill in the art, having the disclosures of Ohlund and Glatter before him at the time the invention was made, to modify the cover of Ohlund to have a rim, as in Glatter. One would have been motivated to make such a combination because the ability to provide a snap-type closure would have been achieved, as taught by Glatter (Col. 2, Ln. 50-60).

Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohlund US6233971 in view of Rapisarda US6238056.

As to claim 12, Ohlund discloses: an article of jewelry comprising: a) a flexible conductor having an exterior coating of non-conductive composition; b) said conductor forming a loop having first and second discontinuities; c) a clasp located within a first discontinuity; d) a medallion (18) located within a second discontinuity; e) said medallion having a diametrical aperture (see Figure 8) to form a channel through said medallion; f) light emitting diode housed within said diametrical aperture.

The difference between the claim and Ohlund is the claim recites: a surface mount LED. Rapisarda discloses light-up apparel and ornaments similar to that of Ohlund. In addition, Rapisarda further teaches surface mount LEDS. It would have been obvious to one of ordinary skill in the art, having the disclosures of Ohlund and Rapisarda before him at the time the invention was made, to modify the LED of Ohlund to be a surface mount LED, as in Rapisarda. One would have been motivated to make such a combination because the ability to minimize size and weight would have been achieved, as taught by Rapisarda (Col. 2, Ln. 5-8).

As to claim 13, Ohlund discloses: further comprising a conductor from one of said discontinuities in secure contact with a terminal receptor of said light emitting diode.

As to claim 14, Ohlund discloses: further comprising said light emitting diode in a radially equidistant position from an exterior surface of said medallion (18).

As to claim 15, Ohlund discloses: wherein said radially equidistant position of said light emitting diode provides an even distribution of illumination.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohlund US6233971 in view of Belknap US5018053, and further in view of Rapisarda US6238056.

As to claim 17, Rapisarda teaches: wherein said light emitting diode is a surface mount light emitting diode.

Response to Arguments

Applicant's arguments, see the Amendment, filed 10/07/04, with respect to the rejection(s)of claim(s) 12 under Ohlund have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ohlund and Rapisarda (see the detailed action above).

Applicant's arguments with respect to claims 1-11 and 16-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US5140220 to Hasegawa discloses a light diffusion type light emitting diode.

US5567037 to Ferber discloses an LED for interfacing and connecting to conductive substrates.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TYH

JJ Swann
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